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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Damien **Cole** *(Ireland)*

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "United Nations Relief and Works Agency for Palestine Refugees in the Near East" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee held a general debate on the item at its 17th and 18th meetings, on 30 October and 3 November 2003, and took action on the item at its 24th meeting, on 14 November (see A/C.4/58/SR.17, 18 and 24).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 2002 to 30 June 2003;[1]

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/119 (A/58/119);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/120 (A/58/339);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/122 (A/58/206);

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum and addendum (A/58/13 and Corr.1 and Add.1).

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(e) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/123 (A/58/205);

(f) Note by the Secretary-General transmitting the fifty-seventh report of the United Nations Conciliation Commission for Palestine, in accordance with paragraph 6 of General Assembly resolution 512 (VI) and paragraph 2 of Assembly resolution 57/117 (A/58/256);

(g) Report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/58/450);

(h) Letter dated 6 November 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/58/557).

4. At its 17th meeting, on 30 October, the Committee heard a statement by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), who introduced his report (see A/C.4/58/SR.17).

5. At the same meeting, the representative of Norway, in his capacity as Rapporteur of the Working Group on the Financing of UNRWA, introduced the report of the Working Group (see A/C.4/58/SR.17).

6. Also at the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/58/SR.17).

7. At the 24th meeting, on 14 November, the representative of Israel made a statement (see A/C.4/58/SR.24).

II. Consideration of proposals

8. At the 24th meeting, on 14 November, the representative of Egypt, on behalf of the Arab States, Malaysia and the Islamic Republic of Iran, proposed to change the order of consideration of the draft resolutions before the Committee, in accordance with rule 131 of the rules of procedure of the General Assembly. The Committee then decided to consider draft resolution A/C.4/58/L.9/Rev.1 after all other draft resolutions submitted under item 83 had been considered.

A. Draft resolution A/C.4/58/L.10

9. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Austria, Bahrain, Bangladesh, Belgium, Bulgaria, the Comoros, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Germany, Greece, Guinea, Hungary, Indonesia, Iceland, Ireland, Italy, Jordan, Kuwait, Latvia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Morocco, the Netherlands, Norway, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, the Sudan, Sweden, Switzerland, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, Yemen and Palestine, introduced a draft resolution entitled "Assistance to Palestine refugees" (A/C.4/58/L.10).

10. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.10 by a recorded vote of 159 to 1, with 8 abstentions (see para. 32, draft resolution I). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel.

Abstaining:

Cameroon, Honduras, Marshall Islands, Micronesia (Federated States of), Palau, Papua New Guinea, Tuvalu, United States of America.

11. At the same meeting, statements in explanation of vote were made by the representatives of Thailand and Peru (see A/C.4/58/SR.24).

B. Draft resolution A/C.4/58/L.11

12. At the 24th meeting, on 14 November, the representative of the Netherlands, on behalf of Algeria, Bahrain, Bangladesh, Belgium, the Comoros, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Finland, France, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Jordan, Kuwait, Latvia, Lebanon, the Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Malta, Morocco, the Netherlands, Norway, Oman, Poland, Portugal, Qatar, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, the Sudan, Sweden, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, Yemen and Palestine, introduced a draft resolution entitled "Working Group on the Financing of

the United Nations Relief and Works Agency for Palestine Refugees in the Near East" (A/C.4/58/L.11), which read:

"*The General Assembly*,

"*Recalling* its resolutions 2656 (XXV) of 7 December 1970, 2728 (XXV) of 15 December 1970, 2971 (XXVI) of 6 December 1971, 57/118 of 11 December 2002 and the previous resolutions on this question,

"*Recalling also* its decision 36/462 of 16 March 1982, by which it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

"*Having considered* the report of the Working Group,

"*Taking into account* the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,

"*Expressing support* for the expansion of the microfinance and microenterprise programme, as well as the various major rehousing and infrastructure projects,

"*Deeply concerned* about the continuing financial situation of the Agency, which has affected and affects the continuation of provision of necessary Agency services to Palestine refugees, including the emergency-related and humanitarian and development programmes,

"*Emphasizing* the continuing need for extraordinary efforts in order to maintain, at least at the current level, the activities of the Agency, as well as to enable the Agency to carry out essential construction and rehabilitation,

"1. *Commends* the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the financial security of the Agency;

"2. *Takes note with approval* of the report of the Working Group;

"3. *Welcomes* further progress in improving the unified budget structure for the biennium 2004-2005, which can contribute significantly to improved budgetary transparency and enhances the utility of the budget as a planning, managerial and fund-raising tool;

"4. *Requests* the Working Group to continue its efforts, in cooperation with the Secretary-General and the Commissioner-General, to find a solution to the financial situation of the Agency;

"5. *Requests* the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work."

13. At the same meeting, the representative of the Netherlands, on behalf of the sponsors, withdrew draft resolution A/C.4/58/L.11.

C. Draft resolution A/C.4/58/L.12

14. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Djibouti,

Egypt, Guinea, Indonesia, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Persons displaced as a result of the June 1967 and subsequent hostilities" (A/C.4/58/L.12).

15. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.12 by a recorded vote of 156 to 5, with 6 abstentions (see para. 32, draft resolution II). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Honduras, Nauru, Papua New Guinea, Rwanda, Solomon Islands, Tuvalu.

D. Draft resolution A/C.4/58/L.13

16. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Djibouti, Egypt, Indonesia, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees" (A/C.4/58/L.13), which read:

"*The General Assembly*,

"*Recalling* its resolution 212 (III) of 19 November 1948 on assistance to Palestine refugees,

"*Recalling also* its resolution 35/13 B of 3 November 1980 and all subsequent relevant resolutions, including resolution 57/120 of 11 December 2002,

"*Having considered* the report of the Secretary-General,

"*Having considered also* the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,

"*Expressing its appreciation* to all Governments, specialized agencies and non-governmental organizations that responded favourably to its resolutions on this question,

"1. *Reiterates* its previous appeals to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships to Palestine refugees, in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"2. *Appeals* to all States, specialized agencies and other international bodies to extend assistance for higher education to Palestine refugee students and to continue to support vocational training centres for Palestine refugees, and requests the Agency to act as the recipient of and trustee for the special allocations for grants and scholarships;

"3. *Appeals* to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the Palestinian territory occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem 'Al-Quds' for Palestine refugees;

"4. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution."

17. At the same meeting, the representative of Indonesia, on behalf of the sponsors, withdrew draft resolution A/C.4/58/L.13.

E. Draft resolution A/C.4/58/L.14/Rev.1

18. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Senegal, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East" (A/C.4/58/L.14/Rev.1) and orally revised it by inserting the words "as reflected in the Agency's programme budget for the biennium 2004-2005" at the end of operative paragraph 4.

19. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.14/Rev.1, as orally revised, by a recorded vote of 150 to 5, with 11 abstentions (see para. 32, draft resolution III). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Cameroon, Costa Rica, El Salvador, Honduras, Nauru, Nicaragua, Papua New Guinea, Rwanda, Solomon Islands, Tuvalu, Vanuatu.

20. At the same meeting, the representative of Peru made a statement in explanation of vote (see A/C.4/58/SR.24).

F. Draft resolution A/C.4/58/L.15

21. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Austria, Bahrain, Bangladesh, Belgium, Brunei Darussalam, Bulgaria, the Comoros, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Germany, Greece, Guinea, Hungary, Indonesia, Ireland, Italy, Jordan, Kuwait, Latvia, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mali, Malta, Morocco, the Netherlands, Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, the Sudan, Sweden, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and

Northern Ireland, Yemen and Palestine, introduced a draft resolution entitled "Palestine refugees' properties and their revenues" (A/C.4/58/L.15).

22. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.15 by a recorded vote of 153 to 5, with 9 abstentions (see para. 32, draft resolution IV). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Cameroon, Fiji, Honduras, Nauru, Papua New Guinea, Rwanda, Solomon Islands, Tuvalu, Vanuatu.

23. At the same meeting, the representative of Peru made a statement in explanation of vote (see A/C.4/58/SR.24).

G. Draft resolution A/C.4/58/L.16

24. At the 24th meeting, on 14 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Djibouti, Egypt, Indonesia, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Tunisia, the United Arab Emirates,

Yemen and Palestine, introduced a draft resolution, entitled "University of Jerusalem 'Al-Quds' for Palestine refugees" (A/C.4/58/L.16), which read:

"*The General Assembly,*

"*Recalling* its resolution 36/146 G of 16 December 1981 and all its subsequent resolutions on the issue, including resolution 57/123 of 11 December 2002,

"*Having considered* the report of the Secretary-General,

"*Having also considered* the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,

"1. *Emphasizes* the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

"2. *Requests* the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem 'Al-Quds', in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

"3. *Calls once again upon* Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem 'Al-Quds';

"4. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the progress made in the implementation of the present resolution."

25. At the same meeting, the representative of Indonesia, on behalf of the sponsors, withdrew draft resolution A/C.4/58/L.16.

H. Draft resolution A/C.4/58/L.9/Rev 1

26. On 7 November, the Committee had before it a draft resolution entitled "Assistance to Palestine refugees and support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East" (A/C.4/58/L.9/Rev.1), submitted by Australia, Canada, Dominica, Palau, Uganda and the United States of America. Subsequently, Albania, Austria, Belgium, Bulgaria, Cameroon, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Grenada, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Micronesia (Federated States of), the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Saint Kitts and Nevis, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

27. On 11 November, the Committee had before it amendments (A/C.4/58/L.22) to the draft resolution, submitted by Algeria, Bahrain, the Comoros, Djibouti, Egypt, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman,

Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, by which:

(a) In the first preambular paragraph, the words "194 (III) of 11 December 1948" would be inserted after the word "resolutions";

(b) In the sixth preambular paragraph, the words "and regretting the death of six Agency staff members during the reporting period" would be deleted;

(c) After the sixth preambular paragraph, a new preambular paragraph would be inserted reading:

"*Deploring* the killing of six Agency staff members during the reporting period";

(d) The eighth preambular paragraph[2] would be deleted;

(e) After operative paragraph 3, the following paragraphs would be inserted:

"4. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem;

"5. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations with regard to the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of the facilities of the Agency in the Occupied Palestinian Territory, including East Jerusalem";

(f) In operative paragraph 10, the words "and calls upon the Agency to continue to work on improving budget and administrative management for delivery of better service" would be deleted;

(g) Operative paragraph 13 would be deleted.

28. At the 24th meeting, on 14 November, the representative of Jordan, on behalf of the sponsors, withdrew the amendments (A/C.4/58/L.22) to draft resolution A/C.4/58/L.9/Rev.1.

29. At the same meeting, the representative of the United States of America orally revised the draft resolution as follows:

(a) In the second preambular paragraph, the words "and its resolutions 57/117, 57/118, 57/119, 57/120, 57/121, 57/122 and 57/123 of 11 December 2002" were deleted;

(b) In the sixth preambular paragraph, the words "and regretting the death of six Agency staff members during the reporting period" were deleted;

(c) After the sixth preambular paragraph, a new preambular paragraph was inserted, reading:

"*Regretting* the death of six Agency staff members during the reporting period";

[2] For the text, see para. 29 (d) below.

(d) The eighth preambular paragraph (now the ninth) which read:

"*Stressing* the necessity for compliance with Articles 100, 104 and 105 of the Charter of the United Nations and compliance with applicable obligations under the Convention on the Privileges and Immunities of the United Nations, as well as the need for respect of international humanitarian law",

was replaced by the following:

"*Stressing* the necessity for compliance with Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations with regard to the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities, including throughout the occupied territories";

(e) After the eighth preambular paragraph (now the ninth), two new preambular paragraphs were inserted, reading:

"*Stressing also* the need for respect of international humanitarian law,

"*Emphasizing* the obligations of all parties in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949";

(f) In operative paragraph 10, the words "and calls upon the Agency to continue to work on improving budget and administrative management for delivery of better service" were deleted;

(g) Operative paragraph 13, which read:

"13. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the progress made in the implementation of the present resolution",

was deleted.

30. Also at the 24th meeting, the Committee adopted draft resolution A/C.4/58/L.9 Rev.1, as orally revised, by a recorded vote of 109 to none, with 54 abstentions (see para. 32, draft resolution V). The voting was as follows:[3]

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Mongolia, Mozambique, Myanmar, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent

[3] The delegation of Malawi subsequently indicated that it had intended to vote in favour and the delegation of Myanmar indicated that it had intended to abstain.

and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela.

Against:

None.

Abstaining:

Algeria, Bahrain, Bangladesh, Belize, Brunei Darussalam, Burkina Faso, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

31. At the same meeting, the representative of Jordan, on behalf of the Arab States, made a statement in explanation of vote (see A/C.4/58/SR.24).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

32. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 57/117 of 11 December 2002,

Recalling also its resolution 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling further relevant Security Council resolutions,

Aware of the fact that the Palestine refugees have, for more than five decades, lost their homes, lands and means of livelihood,

Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,

Acknowledging the essential role that the United Nations Relief and Works Agency for Palestine Refugees in the Near East has played for more than fifty-three years since its establishment in ameliorating the plight of the Palestine refugees in the fields of education, health and relief and social services,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,[1]

Aware of the continuing needs of Palestine refugees throughout all the fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic, and the Occupied Palestinian Territory,

Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and living conditions, and the continuous deterioration of those conditions during the recent period,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization[2] and the subsequent implementation agreements,

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum and addendum (A/58/13 and Corr.1 and Add.1).

[2] A/48/486-S/26560, annex.

Aware that the Multilateral Working Group on Refugees of the Middle East peace process has an important role to play in the peace process,

1. *Notes with regret* that repatriation or compensation of the refugees, as provided for in paragraph 11 of its resolution 194 (III), has not yet been effected and that, therefore, the situation of the Palestine refugees continues to be a matter of concern;

2. *Also notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 2004;

3. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its operation and services for the well-being of the Palestine refugees and for the stability of the region, pending the resolution of the question of the Palestine refugees;

4. *Calls upon* all donors to continue to make the most generous efforts possible to meet the anticipated needs of the Agency, including those mentioned in recent emergency appeals.

Draft resolution II
Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 57/119 of 11 December 2002,[1]

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,[2]

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 1993[3] with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. *Expresses deep concern* that the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 1993[3] on the return of displaced persons has not been effected, and stresses the necessity for an accelerated return of displaced persons;

3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to persons in the area who are currently displaced and in serious need of continuing assistance as a result of the June 1967 and subsequent hostilities;

4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-ninth session on the progress made with regard to the implementation of the present resolution.

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[1] A/58/119.

[2] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum and addendum (A/58/13 and Corr.1 and Add.1).

[3] A/48/486-S/26560, annex.

Draft resolution III
Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including resolution 57/121 of 11 December 2002,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,[1]

Taking note of the letter dated 25 September 2003 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,[2]

Deeply concerned about the continuing critical financial situation of the Agency and its effect on the continuing provision of necessary Agency services to the Palestine refugees, including its emergency-related programmes and its development programmes,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,[3]

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of Palestine refugees throughout the Occupied Palestinian Territory and in the other fields of operation, namely, in Jordan, Lebanon and the Syrian Arab Republic,

Also aware of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Gravely concerned about the increased suffering of the Palestine refugees, including the loss of life, injury and destruction and damage to their shelters and properties, during the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

Expressing grave concern about the continuing impact of the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, destruction and displacement inflicted on many of its civilian inhabitants,

Aware of the extraordinary efforts being undertaken by the Agency for the repair and rebuilding of thousands of destroyed and damaged refugee shelters,

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum and addendum (A/58/13 and Corr.1 and Add.1).

[2] Ibid., *Supplement No. 13* and corrigendum (A/58/13 and Corr.1), p. viii.

[3] Resolution 22 A (I).

[4] United Nations, *Treaty Series*, vol. 75, No. 973.

Gravely concerned about the safety of the Agency's staff and about the damage caused to facilities of the Agency as a result of Israeli military operations during the reporting period,

Deploring the killing of six Agency staff members by the Israeli occupying forces during the reporting period,

Expressing deep concern about the continuing policies of closure and severe restrictions, including the curfews, that have been imposed on the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and which have had a grave impact on the socio-economic situation of the Palestine refugees and have greatly contributed to the dire humanitarian crisis facing the Palestinian people,

Deeply concerned about the continuing restrictions on the freedom of movement of the Agency staff, vehicles and goods, including the harassment of personnel, which adversely affect the ability of the Agency to provide its services, including its education, health and relief and social services,

Recalling the signing, on 13 September 1993, of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization[5] and the subsequent implementation agreements,

Aware of the agreement between the Agency and the Government of Israel,

Aware also of the establishment of a working relationship between the Advisory Commission of the Agency and the Palestine Liberation Organization in accordance with General Assembly decision 48/417 of 10 December 1993,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,[6]

1. *Expresses its appreciation* to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the increasingly difficult conditions throughout the past year;

2. *Also expresses its appreciation* to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of decision 48/417;

3. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[7] for its efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

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[5] A/48/486-S/26560, annex.

[6] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13* (A/49/13), annex I.

[7] A/58/450.

4. *Commends* the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2004-2005;[8]

5. *Acknowledges* the support of the host Governments for the Agency in the discharge of its duties;

6. *Takes note* of the functioning of the headquarters of the Agency in Gaza City on the basis of the Headquarters Agreement between the Agency and the Palestinian Authority;

7. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[4]

8. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[3] with regard to the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem;

9. *Urges* the Government of Israel to compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side, particularly during the reporting period;

10. *Calls upon* Israel particularly to cease obstructing the movement of the personnel, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which have a detrimental effect on the Agency's operations;

11. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

12. *Affirms* that the functioning of the Agency remains essential in all fields of operation;

13. *Notes* the success of the Agency's microfinance and microenterprise programme, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute towards the development of the economic and social stability of the Palestine refugees;

14. *Reiterates its request* to the Commissioner-General to proceed with the modernization of the archives of the Agency through the Palestine Refugee Records Project, and to indicate progress in his report to the General Assembly at its fifty-ninth session;

15. *Reiterates its previous appeals* to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the regular budget of the Agency and to contribute towards the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

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[8] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13*, addendum (A/58/13/Add.1).

16. *Urges* all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease the ongoing financial constraints, exacerbated by the current humanitarian situation on the ground, and to support the Agency's valuable work in assistance to the Palestine refugees.

Draft resolution IV
Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 57/122 of 11 December 2002,[1]

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 2002 to 31 August 2003,[2]

Recalling that the Universal Declaration of Human Rights[3] and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

Noting the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report,[4] and the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

Expressing its appreciation for the work done to preserve and modernize the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the plight of the Palestine refugees in conformity with General Assembly resolution 194 (III),

Recalling that, in the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,[5] to commence negotiations on permanent status issues, including the important issue of the refugees,

1. *Reaffirms* that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

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[1] A/58/206.

[2] A/58/256, annex.

[3] Resolution 217 A (III).

[4] *Official Records of the General Assembly, Nineteenth Session, Annexes*, Annex No. 11, document A/5700.

[5] A/48/486-S/26560, annex.

3. *Calls once again* upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues in the framework of the final status negotiations of the Middle East peace process;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution V
Assistance to Palestine refugees and support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 212 (III) of 19 November 1948, on assistance to Palestine refugees, and 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling also all its subsequent resolutions on the question, including resolution 56/52 of 10 December 2001,

Recalling further relevant Security Council resolutions,

Acknowledging the essential role that the Agency has played for more than fifty years since its establishment in ameliorating the plight of the Palestine refugees in the fields of education, health and relief and social services,

Aware of the continuing needs of Palestine refugees throughout all the fields of operation, namely the West Bank and the Gaza Strip, Jordan, Lebanon and the Syrian Arab Republic,

Gravely concerned about the increased suffering of the Palestine refugees, including the loss of life, injury and destruction and damage to refugee shelters and properties, as well as the safety of the staff and the damage to the facilities of the Agency,

Regretting the death of six Agency staff members during the reporting period,

Deeply concerned about the continuing restrictions on the freedom of movement of the Agency's staff, vehicles and goods, which adversely affect the ability of the Agency to provide its services, including its educational, health and relief and social services,

Stressing the necessity for compliance with Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[1] with regard to the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities, including throughout the occupied territories,

Stressing also the need for respect of international humanitarian law,

Emphasizing the obligations of all parties in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2]

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[1] Resolution 22 A (I).

[2] United Nations, *Treaty Series*, vol. 75, No. 973.

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2002 to 30 June 2003,[3] the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[4] the letter dated 25 September 2003 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,[5] and the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 2002 to 31 August 2003,[6]

Deeply concerned about the continuing financial situation of the Agency, which has affected and affects the continuing provision of necessary Agency services to Palestine refugees, including the emergency-related and humanitarian programmes,

1. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its operation and services for the well-being of the Palestine refugees and for the stability of the region, pending the resolution of the question of the Palestine refugees;

2. *Calls upon* all States to make the most generous efforts possible to meet the anticipated needs of the Agency, including those mentioned in recent emergency appeals, and to support the Agency's valuable work in providing assistance to the Palestine refugees;

3. *Takes note with approval* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[4] for its efforts to assist in ensuring the financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

4. *Endorses* the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to persons in the area who are currently displaced and in serious need of continuing assistance as a result of the June 1967 and subsequent hostilities;

5. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

6. *Reiterates its previous appeals* to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships to Palestine refugees, in addition to their contributions to the regular budget of the Agency;

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[3] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum and addendum (A/58/13 and Corr.1 and Add.1).

[4] A/58/450.

[5] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* and corrigendum (A/58/13 and Corr.1), p. viii.

[6] A/58/256, annex.

7. *Appeals* to all States, specialized agencies and other international bodies to extend assistance for higher education to Palestine refugee students and to contribute towards the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

8. *Expresses its appreciation* to the Commissioner-General of the Agency, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the increasingly difficult conditions throughout the past year;

9. *Also expresses its appreciation* to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of Assembly decision 48/417 of 10 December 1993;

10. *Commends* the efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as well as the support of the host Governments for the Agency in the discharge of its duties;

11. *Calls upon* all relevant parties to take effective measures to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities;

12. *Notes* the success of the Agency's microfinance and enterprise programmes, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute towards the development of the economic and social stability of the Palestine refugees.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Damien **Cole** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee held a general debate on the item at its 19th and 20th meetings, on 5 and 6 November, and took action on the item at its 24th meeting, on 14 November (see A/C.4/58/SR.19, 20 and 24).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/124 (A/58/310);

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/125 (A/58/155);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/126 (A/58/263);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/127 (A/58/156);

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(e) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/128 (A/58/264);

(f) Note by the Secretary-General transmitting the thirty-fifth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/58/311);

(g) Letter dated 1 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/58/399-S/2003/929);

(h) Letter dated 3 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/58/411-S/2003/939);

(i) Letter dated 3 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952);

(j) Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted at the meeting of the Ministers for Foreign Affairs of the Non-Aligned Movement, held at United Nations Headquarters on 26 September 2003 (A/58/420).

4. At the 19th meeting, on 5 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee contained in document A/58/311 (see A/C.4/58/SR.19).

5. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/58/SR.19).

6. At the 24th meeting, on 14 November, the representative of Israel made a statement (see A/C.4/58/SR.24).

7. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/58/SR.24).

II. Consideration of proposals

A. Draft resolution A/C.4/58/L.17

8. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea and Mali, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/58/L.17).

9. At the same meeting, the Secretary of the Committee made a statement on the programme budget implications of the draft resolution (A/C.4/58/SR.24).

10. Also at the same meeting, the Committee adopted draft resolution A/C.4/58/L.17 by a recorded vote of 85 to 7, with 73 abstentions (see para. 25, draft resolution I). The voting was as follows:

In favour:

Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados Belarus, Belize, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gambia, Ghana, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Andorra, Antigua and Barbuda, Argentina, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

11. At the same meeting, a statement in explanation of vote on draft resolution A/C.4/58/L.17 was made by the representative of Canada (see A/C.4/58/SR.24).

B. Draft resolution A/C.4/58/L.18

'2. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea and Mali, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of

War, of 12 August 1949, to the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/58/L.18).

13. At the same meeting, the representative of Cuba orally revised the third preambular paragraph of the draft resolution by inserting the numeral "IV" after the words "Hague Convention" and replacing the words "Protocol 1 additional to the Geneva Conventions" by the words "relevant provisions of customary law, including those codified in Additional Protocol 1 to the four Geneva Conventions".

14. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.18, as orally revised, by a recorded vote of 155 to 6, with 7 abstentions (see para. 25, draft resolution II). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Honduras, Papua New Guinea, Rwanda, Solomon Islands, Tuvalu, Vanuatu.

15. At the same meeting, a statement in explanation of vote on draft resolution A/C.4/58/L.18 was made by the representative of Australia (see A/C.4/58/SR.24).

C. Draft resolution A/C.4/57/L.19/Rev.1

16. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/58/L.19/Rev.1) and orally revised it as follow:

(a) In the tenth preambular paragraph, the words "an unlawful wall inside the Occupied Palestinian Territory" were replaced by the words "a wall inside the Occupied Palestinian Territory";

(b) In operative paragraph 4, the words "is a departure from the Armistice Line" were replaced by the words "is in departure from the Armistice Line".

17. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.19/Rev.1, as orally revised, by a recorded vote of 149 to 7, with 12 abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Solomon Islands, United States of America.

Abstaining:

Australia, Cameroon, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Papua New Guinea, Rwanda, Tuvalu, Vanuatu.

18. At the same meeting, the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Norway), Australia and Uruguay made statements in explanation of vote on draft resolution A/C.4/58/L.19/Rev.1 (see A/C.4/58/SR.24).

D. Draft resolution A/C.4/58/L.20/Rev.1

19. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem" (A/C.4/58/L.20/Rev.1).

20. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.20/Rev.1 by a recorded vote of 141 to 7, with 19 abstentions (see para. 25, draft resolution IV).

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Solomon Islands, United States of America.

Abstaining:

Albania, Australia, Cameroon, Costa Rica, Czech Republic, Dominican Republic, El Salvador, Georgia, Germany, Guatemala, Honduras, Nicaragua, Papua New Guinea, Peru, Rwanda, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland, Vanuatu.

21. At the same meeting, statements in explanation of vote on draft resolution A/C.4/58/L.20/Rev.1 were made by the representatives of Australia, Canada and the United Kingdom (see A/C.4/58/SR.24).

E. Draft resolution A/C.4/58/L.21

22. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/58/L.21).

23. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.21 by a recorded vote of 155 to 3, with 11 abstentions (see para. 25, draft resolution V). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Nauru, Solomon Islands.

Abstaining:

Cameroon, Fiji, Honduras, Marshall Islands, Micronesia (Federated States of), Palau, Rwanda, Tonga, Tuvalu, United States of America, Vanuatu.

24. At the same meeting, after the vote on the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.4/58/SR.24).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

25. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 57/124 of 11 December 2002, and the relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuation of the tragic events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the relevant reports of the Secretary-General,[5]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[6] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early end and that therefore the violation of the human rights of the Palestinian people will cease,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;

4. *Expresses grave concern* about the situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 2,600 Palestinian deaths and tens of thousands of injuries;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

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[4] A/58/311.

[5] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

[6] A/48/486-S/26560, annex.

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-ninth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907,[1] the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] and relevant provisions of customary law, including those codified in Additional Protocol I[3] to the four Geneva Conventions,[4]

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Noting the convening of the meeting of experts of High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, at Geneva from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depositary of the Convention, concerning problems of application of the Convention in general and, in particular, in occupied territories,

Noting also the convening for the first time, on 15 July 1999, of the Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions, and aware of the statement adopted by the Conference,

Welcoming the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 in Geneva and stressing the importance of the Declaration adopted by the Conference, and underlining the need for the parties to follow up the implementation of the Declaration,

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[1] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[2] United Nations, *Treaty Series*, vol. 75, No. 973.

[3] Ibid., vol. 1125, No. 17512.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See A/58/311.

[6] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions,[4] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in its resolutions of the tenth emergency special session with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution III
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[2]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Welcoming the presentation by the Quartet to the parties of the road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and noting its call for a freeze on all settlement activity,

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

Expressing grave concern also about the construction by Israel of a wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] E/CN.4/2004/6.
[3] A/48/486-S/26560, annex.
[4] S/2003/529, annex.

State solution physically impossible to implement and would cause the Palestinian people further humanitarian hardship,

Reiterating its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated in the recent period,

Taking note of the relevant reports of the Secretary-General,[5]

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

4. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

[5] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[1] and the reports of the Secretary-General,[2]

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights[3] and the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[4]

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[5] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6]

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

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[1] A/58/311.
[2] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.
[3] E/CN.4/2001/121.
[4] E/CN.4/2004/6.
[5] United Nations, *Treaty Series*, vol. 75, No. 973.
[6] S/2003/529, annex.

Gravely concerned about the tragic events that have occurred since 28 September 2000 and that have led to thousands of deaths and injuries among Palestinian civilians,

Gravely concerned also about the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury,

Expressing deep concern about the extensive destruction caused by the Israeli occupying forces, including the destruction of homes and properties, of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Also expressing deep concern about the Israeli policy of closure and the severe restrictions, including curfews, imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent impact on the socio-economic situation of the Palestinian people, which has resulted in a dire humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres, and also expressing concern about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalls the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[5] and cease immediately all measures and actions taken in violation of the Convention, including the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by Israeli forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction;

4. *Also condemns* the events that have occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, destruction and displacement inflicted on many of its civilian inhabitants;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people;

6. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution V
The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1]

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 57/128 of 11 December 2002,

Having considered the report of the Secretary-General submitted in pursuance of resolution 57/128,[2]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

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[1] A/58/311.

[2] A/58/264.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Corrigendum

Paragraphs 12, 16 and 19

In the titles of draft resolutions A/C.4/58/L.18, A/C.4/58/L.19/Rev.1 and A/C.4/58/L.20/Rev.1, respectively, the word "Jerusalem" should be replaced by the words "East Jerusalem".

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